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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/575,674

04/03/2007

Bernd Waldmann

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EXAMINER

CALLAWAY, JADE R

ART UNIT

PAPER NUMBER

2872

MAIL DATE

DELIVERY MODE

01/15/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/575,674

Applicant(s)

WALDMANN ET AL.

Examiner

Jade Callaway

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 4/11/06, 11/13/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 19-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/13/07.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. The amendments to the specification, abstract and claims, in the submission dated 4/11/06, are acknowledged and accepted.

***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 120 or 365(c), which papers have been placed of record in the file.

***Drawings***

3. The drawings were received on 4/11/06. These drawings are acceptable.

***Claim Objections***

4. Claims 21 and 28 are objected to because of the following informalities: it recites the limitation "said distribution channel" in lines 1-2 of the claims. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Japes (4,561,732).

Consider claim 19, Japes teaches (e.g. figure 1) a cleaning assembly for cleaning an exterior surface (2, mirror pane) having first and second edges (top and

side of mirror), of a motor vehicle, having a cleaning fluid reservoir (6, accumulator), the cleaning assembly comprising: a connector (3, air line) for connecting the cleaning fluid reservoir with the cleaning assembly for receiving fluid therefrom; a distribution chamber (5, valve) in fluid communication with the connector for receiving the fluid received by the connector; and a nozzle (17, nozzle) fixedly secured to the distribution chamber for disbursing the fluid over the exterior surface, the nozzle including a nozzle opening defining a slot opening such that a film of fluid exits the nozzle opening over the exterior surface [col. 2, lines 47-68, col. 3, lines 1-9].

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 20-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japes (4,561,732) in view of Kito et al. (JP 03284450 A).

Consider claim 20, Japes does not disclose that the nozzle opening includes an oblong channel for receiving a portion of one of the first and second edges. Japes and Kito et al. are related as devices for cleaning mirrors. Kito et al. teach (e.g. figures 1-3) a nozzle opening (8, blow-off port) that includes an oblong channel for receiving a portion of one of the first and second edges (top and side of mirror) [abstract]. It would have been obvious to a person of ordinary skill in the art at the time the invention was

made to modify the device of Japes, to include an oblong channel, as taught by Kito et al. in order to more accurately distribute the fluid flow over the entire surface to be cleaned.

Consider claim 21, the modified Japes reference discloses (e.g. figures 1-3 of Kito et al.) a cleaning assembly wherein a distribution channel (Kito et al.; 9, partition) is generally perpendicular to the nozzle opening [Kito et al.; abstract].

Consider claim 22, the modified Japes reference discloses (e.g. figures 1-3 of Kito et al.) a cleaning assembly wherein the nozzle opening (Kito et al.; 8, blow-off port) extends over portions of the first and second edges (top and side of mirror) [Kito et al.; abstract]

Consider claim 23, the modified Japes reference discloses (e.g. figures 1-3 of Kito et al.) a cleaning assembly wherein the oblong channel (Kito et al.; 8, blow-off port) defines a depth and a height wherein the depth is a larger than the height [Kito et al.; abstract]. The modified Japes reference does not specifically disclose that the depth is a multiple larger than the height. Note that the Court has held that mere scaling up or down of a prior art process capable of being scaled up or down would not establish patentability in a claim to an old process so scaled; see **In re Reinhart**, 531 F.2d 1048, 189 USPQ 143 (CCPA 1976). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the dimension of the height and depth of the oblong channel in order to increase the ability to direct blowing air in the system.

Consider claim 24, the modified Japes reference discloses (e.g. figures 1-3 of Kito et al.) a cleaning assembly wherein the oblong channel (Kito et al.; 8, blow-off port) defines a cross section that is constant thereacross [Kito et al., abstract].

Consider claim 25, the modified Japes reference discloses (e.g. figures 1-3 of Kito et al.) a cleaning assembly including a holder (Kito et al.; 15, holding port) for holding the exterior surface (Kito et al.; 4, mirror body) in a position relative to the nozzle (Kito et al.; 8, blow-off port) [Kito et al.; abstract].

Consider claim 26, the modified Japes reference discloses (e.g. figure 1 of Japes, and 1-3 of Kito et al.) a cleaning assembly that defines a C-shaped cross-section (the structures of the cleaning assembly of Japes and Kito et al. are generally circular which provides a "C-shaped" cross-section) [Japes; figure 1, Kito et al.; abstract].

Consider claim 27, the modified Japes reference discloses (e.g. figures 1-3 of Kito et al.) a cleaning assembly including a groove (Kito et al., 13, 14, recessed parts) for receiving a portion of the exterior surface (Kito et al., 4, mirror body) to accurately position the cleaning assembly (Kito et al., 2, blow off nozzle) with respect to the exterior surface [Kito et al.; abstract].

Consider claim 28, the modified Japes reference does not disclose a cleaning assembly wherein the depth of the nozzle opening is smaller than a depth of the distribution channel. Note that the Court has held that mere scaling up or down of a prior art process capable of being scaled up or down would not establish patentability in a claim to an old process so scaled; see **In re Reinhart**, 531 F.2d 1048, 189 USPQ 143 (CCPA 1976). It would have been obvious to a person of ordinary skill in the art at the

time the invention was made to modify the dimension of the nozzle opening to be smaller than a depth of the distribution channel in order to increase the ability to direct blowing air in the system.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kamakura et al. (5,953,158) disclose a water droplet removing system for a vehicle. McDonald (4,898,458) discloses a laminar air flow exterior adjustable rearview mirror. Leighton (4,248,497) discloses a trucker mirror spray deflector. Cluckey (5,868,867) discloses a vehicle side view mirror clearing device. Cowan (5,140,719) discloses a vehicle window cleaning device. Bissonnette (2003/0222156) discloses a washing apparatus for multiple vehicle surfaces. Stapley et al. (W) 88/00142) disclose a device for mirrors. Hori (JP 56163931 A) discloses a device for removing drops of water on rear view mirrors. Kober (DE 19827639 A1) discloses a device for outside mirrors of motor vehicles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jade Callaway whose telephone number is 571-272-8199. The examiner can normally be reached on Monday to Friday 7:00 am -4:30 pm est.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on 571-272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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JRC



Stephone B. Allen  
Supervisory Patent Examiner